

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MOHAMED MUSAID,

Petitioner,

-against-

MICHAEL KIRKPATRICK, SUPERINTENDENT OF
CLINTON CORRECTIONAL FACILITY,

Respondent.

ANALISA TORRES, District Judge:

USDC SDNY
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19 Civ. 7944 (AT) (RWL)

**AMENDED JUDGMENT
IN A CIVIL CASE**

On August 23, 2019, Petitioner, Mohamed Musaid, filed a *pro se* petition for habeas corpus pursuant to 28 U.S.C. § 2254 (the “Petition”). Pet., ECF No. 1. On January 31, 2023, the Court denied the Petition. Order, ECF No. 52; *see* Report & Recommendation, ECF No. 39. By order dated September 4, 2024, the Second Circuit reversed the Order and remanded with instructions to conditionally grant the Petition. *Musaid v. Kirkpatrick*, 114 F.4th 90 (2d Cir. 2024).

Accordingly, it is hereby ORDERED AND ADJUDGED that pursuant to the Second Circuit’s Mandate, ECF No. 58, the Petition is conditionally GRANTED. The state court is directed:

to consider whether to conduct a hearing to determine Musaid’s competence just before trial. If the state court determines that it cannot hold a hearing to reconstruct Musaid’s fitness at the relevant time, or if it holds such a hearing and determines that it is not sufficiently convinced that Musaid was competent at the time of trial, issuance of the writ would be appropriate unless the state brings Musaid to trial within a reasonable time with a finding that he is competent for such a trial.

Musaid, 114 F.4th at 118.

SO ORDERED.

Dated: September 26, 2024
New York, New York



ANALISA TORRES
United States District Judge